

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PENELOPE MATKINS,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 13-5930 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #15). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.


This Court recommends that on remand, the Appeals Council will vacate the Appeals Council's Denial notice and the Administrative Law Judge's (ALJ's) dismissal and remand to the ALJ. The ALJ will be instructed to find Plaintiff's request for hearing timely, hold an administrative hearing and take further action as necessary.

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1 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C. §
2 405(g), and that Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the
3 Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.
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5 Given the fact of the parties' stipulation, the Court recommends that the District Judge
6 immediately approve this Report and Recommendation and order the case **REVERSED** and
7 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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9 DATED this 24th day of March, 2014.

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11 Karen L. Strombom
12 United States Magistrate Judge
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